

## PROCEDURE

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<b>Series:</b>	<b>Operating Procedures</b>	<b>COA: N/A</b>
		<b>CFOP: 170-14</b>
<b>Procedure Name:</b>	Response to the Human Trafficking of Children	
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**Applicable to:** BFP and Contracted Case Management Agencies

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**PURPOSE:** To outline the special requirements for intakes and subsequent actions relating to the commercial sexual exploitation of a child and labor trafficking of children. This operating procedure establishes the roles and responsibilities of Hotline counselors, Child Protective Investigators; contracted community-based care providers; and sub-contracted service providers in cases of human trafficking of children.

### PROCEDURE:

#### **Scope**

This operating procedure applies to the Department of Children and Families, BFP and contracted provider staff delivering services to children and their families involved in the BFP system of care. The term "Department" includes the Florida Abuse Hotline; Child Protective Investigations within the Department and Sheriff's offices; and Community-Based Care Lead Agencies with contracts with the Department and their sub-contracted service providers.

#### **Authority**

This operating procedure includes the new requirements and definitions cited in Section 409.1754, Florida Statutes (F.S.), Section 409.016, F.S., and Section 409.1678, F.S., created in the 2014 and 2017 legislative sessions; and includes new requirements cited in Section 39.524, F.S., created in the 2012 and 2017 legislative sessions; and in the new Chapter 65C-43, Florida Administrative Code (F.A.C.), which became effective January 12, 2016. a. §39.01(15)(g), F.S.; §39.01(69), F.S.; §39.201, F.S.; §39.301, F.S.; §39.5075, F.S.; §39.524, F.S.; §402.87, F.S.; §409.1754, F.S., and §787.06, F.S. b. 18 U.S.C. §§1581, 1584, 1589-1595; and 22 U.S.C. §7105. c. Trafficking Victims Protection Act of 2000, PL 106-386, 114 Stat. 1464 (October. 28, 2000) and the Trafficking Victims Protection Reauthorization Act of 2013 (Title XII of the Violence Against Women Reauthorization Act of 2013), PL 113-4 (March 7, 2013). d. Immigration and Nationality Act, §101(a)(15)(T) & (U). e. 8 CFR 214.11 (T-Visa) & 8 CFR 214.14 (U-Visa). f. Rules 65C-9.003, (F.A.C.); 65C-30.003, F.A.C.; and 65C-30.007, F.A.C.; and Chapters 65C-28, 65C-29, 65C-30, and 65C-43, F.A.C.

#### **Definitions**

- A. Commercial Sex Act. Any sex act where anything of value is given to or received by any person.

- B. Commercial Sexual Exploitation of a Child (CSEC). The use of any person under the age of 18 for sexual purposes in exchange for money, goods or services or the promise of money, goods or services. Examples of commercial sexual exploitation include:
- a. Renegade/Survival Sex: There is no third party. There is no pimp. The victim may “broker” exchanges for a sexual act independently. There may be an exchange of a sexual act for money, food, housing, clothing, etc. Any exchange of a sexual act for any tangible thing, or the promise of a tangible thing, is human trafficking.
  - b. Pimp Trafficking: There is a third party who is “brokering” the exchanges of the sexual act for a tangible item, typically money. Pimps can be of any age, any gender, and any background.
  - c. Gang Trafficking: The trafficking is a source of generating money for the gang, and the gang member is involved in the trafficking of the victim. This might be a local, state, national, or transnational gang. A gang is defined as “an association of three or more individuals whose purpose, in part, is to engage in criminal activity.”
  - d. Familial Trafficking: This is the use or exchange by a caregiver or the parent of a person under 18 for sexual purposes in exchange for or with the promise of money, goods or services.
- C. Debt Bondage. When a person under control of another person promises to pay money owed with his or her labor or through the personal services of a child under his or her control as a security for debt.
- D. Force, Fraud or Coercion.
- a. Force involves the use of rape, beatings, confinement and any other actions designed to control victims. Forceful violence is used especially during the early stages of victimization, known as the “seasoning process,” which is used to break victims’ resistance and make them easier to control.
  - b. Fraud often involves false offers that induce people into trafficking situations. For example, women and children will reply to advertisements of promising jobs as waitresses, maids and dancers, and are then forced into prostitution or domestic servitude. In addition, teens respond to advertisements of employment by fake charities who disregard labor laws, and the teens end up peddling (where youth sell cheap goods, such as candy, magazines or other trinkets), often going door-to-door or standing on street corners or in parks, regardless of weather conditions and often without access to food, water or facilities.
  - c. Coercion involves threats of serious harm to, or physical restraint of, any person; any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or the abuse or threatened abuse of the legal process.

- E. Harboring. To receive or hold a person in a place without legal authority.
- F. Home County. The county where the child’s parent, legal guardian or caregiver lives; or if the child is dependent, the county of dependency jurisdiction.
- G. Human Trafficking Screening Tool (HTST) (form CF-FSP 5406, available in DCF Forms). The HTST includes an administrative guide and a list of questions to lead the Child Protective Investigator and/or CBC’s designated specialized screener in gathering information to assist them in November 21, 2017 CFOP 170-14 3 identifying victims of human trafficking, determining their needs and selecting appropriate services to meet these needs.
- H. Immigrant Child. A person under the age of 18 who is not a U.S. citizen.
- I. Induced. To lead or move by persuasion.
- J. Labor Trafficking. The recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion, for the purpose of subjecting that person to involuntary servitude, peonage (where someone is held against his/her will to pay off a debt), debt bondage, or slavery. Per section. 787.06 (3), coercion is not required to be present in labor trafficking cases involving children that have not attained 18 years of age. The Administration of Children and Families’ Office on Trafficking in Persons August 6, 2012 Fact Sheet provided the following examples of labor trafficking:
- a. Bonded labor, or debt bondage, is probably the least known form of labor trafficking today, and yet it is the most widely used method of enslaving people. Victims become bonded laborers when their labor is demanded as a means of repayment for a loan or service in which its terms and conditions have not been defined or in which the value of the victims’ services as reasonably assessed is not applied toward the liquidation of the debt. The value of their work is greater than the original sum of money “borrowed.”
  - b. Forced labor is a situation in which victims are forced to work against their own will, under the threat of violence or some other form of punishment, their freedom is restricted and a degree of ownership is exerted. Forms of forced labor can include domestic servitude; agricultural labor; sweatshop factory labor; janitorial, food service and other service industry labor; and begging.
  - c. Child labor is a form of work that is likely to be hazardous to the health and/or physical, mental, spiritual, moral or social development of children and can interfere with their education. The International Labor Organization estimates worldwide that there are 246 million exploited children aged between 5 and 17 involved in debt bondage, forced recruitment for armed conflict, prostitution, pornography, the illegal drug trade, the illegal arms trade, and other illicit activities around the world.
- K. Non-Governmental Organization Advocate/Agency. Local service agencies and case managers across the country which help victims of Human Trafficking get assistance, such

as housing, medical care, mental health services and referrals for pro bono legal help. These agencies and personnel are not to be confused with the Community-Based Care Lead Agencies or subcontracted providers used to manage Florida's dependency system.

- L. Recruitment. The process of enlisting or convincing a person to join with another person for a stated purpose.
- M. Refugee. A person outside of his or her country of nationality who is unable or unwilling to return because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.
- N. Repatriation. The act of returning to one's country of origin. In the case of trafficked children, this could also mean reunifying with that child's family.
- O. Safe House. A licensed setting that has set aside gender-specific, separate and distinct living quarters for sexually exploited children who have been verified as human trafficking victims and need to reside in a secure residential facility with staff members who are awake 24 hours a day and certified by the Department as outlined in 409.1678(1) and (2), F.S.
- P. Safe House Assessment. Any comprehensive child assessment that meets all requirements established by section 409.1754(1), Florida Statutes. The Level of Human Trafficking Placement Tool has been identified as a Safe House Assessment Tool.
- Q. Servitude. Slavery, the condition where a person is forced to perform labor or services, against his or her will, by another person.
- R. Sex Trafficking. The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.
- S. Slavery. The condition where a person is forced to perform labor or services, against his or her will, by another person, or is forced to work without pay or for very little pay.
- T. Visa. A visa created by the Trafficking Victims Protection Act of 2000 (TVPA).
  - 1. Victims of severe forms of human trafficking are provided relief under U.S. immigration law by the Victims of Trafficking in Persons (T) nonimmigrant visa. This status allows victims of human trafficking to remain in the United States to assist in investigations or prosecutions of human trafficking violators.
  - 2. Severe form of trafficking in persons (as defined by the TVPA) means:
    - (a) Sex trafficking in which a commercial sex act is induced by force, fraud or coercion, however a child that has not attained 18 years of age does not require force, fraud or coercion or,
    - (b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion, for the purpose of subjecting that

person to involuntary servitude, peonage (where someone is held against their will to pay off a debt), debt bondage, or slavery. Per section. 787.06 (3), coercion is not required to be present in labor trafficking cases involving children that have not attained 18 years of age.

U. Trafficked. The state of a person who is or has been a victim of human trafficking.

V. Trafficking or Human Trafficking. The transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport.

(1) It is a crime for any person to knowingly engage, or attempt to engage, in human trafficking with the intent or knowledge that the trafficked person will be subjected to forced labor or services; or to benefit financially by receiving anything of value from participation in a venture that has subjected a person to forced labor or services.

(2) Children can be victims of human trafficking regardless of their citizenship, residency, or alien or immigrant status.

W. U Visa. A U visa is a non-immigrant visa for persons who have suffered substantial mental or physical abuse as a result of being the victim of a crime (including human trafficking). The person must be willing to assist law enforcement and government authorities in the investigation or prosecution of the crime. Children are not required to assist law enforcement in any ongoing investigation to be considered eligible for U visa status or issuance. The U.S. Citizenship and Immigration Services grants nonimmigrant status, and the U.S. Department of State issues U visas.

X. Responsibilities of the Florida Abuse Hotline. The Florida Abuse Hotline shall generate an intake for all cases when a child is an alleged victim of Human Trafficking/Commercial Sexual Exploitation of a Child (CSEC) or Human Trafficking/Labor as outlined below.

a. Human Trafficking/Commercial Sexual Exploitation of a Child (CSEC).

CSEC is the use of any person under the age of 18 for sexual purposes in exchange for money, goods or services or the promise of money, goods or services. CSEC can include Renegade/Survival Sex, Pimp Trafficking, Gang Trafficking or Familial Trafficking. Only for CSEC allegations, if the identified alleged perpetrator is a minor, he or she will be listed as a victim while an unknown third party will be listed as the alleged perpetrator.

(1) There are three report types associated with Human Trafficking/Commercial Sexual Exploitation of a Child (CSEC).

(a) Human Trafficking/CSEC – Other. A report type of “Other” with the maltreatment code of Human Trafficking/CSEC shall be used in those cases when the allegations appear to involve issues associated with commercial sexual exploitation of a child and the alleged perpetrator is unknown or is not considered to be a parent, legal guardian, or caregiver.

(b) Human Trafficking/CSEC – In-Home. A report type of “In-Home” with the maltreatment code of Human Trafficking/CSEC shall be used in those cases when the allegations appear to involve issues associated with commercial sexual exploitation of a child and the alleged perpetrator is a parent, legal guardian, caregiver, or household member not associated with an Institutional Entity.

(c) Human Trafficking/CSEC – Institutional. A report type of “Institutional” with the maltreatment code of Human Trafficking/CSEC shall be used in those

cases when the allegations appear to involve issues associated with commercial sexual exploitation of a child and the alleged perpetrator appears to be other persons responsible for a child's welfare in their official capacity who is associated with an institutional entity, such as a foster home, group home, school, etc.

(2) Once a child abuse report with the report type of "Other," "In-Home" or "Institutional" with the maltreatment code of Human Trafficking/CSEC has been created, the following applies:

(a) All pertinent information will be forwarded to law enforcement in a manner that conforms with all requirements associated with s. 39.201(2), F.S.

(b) Response priority shall be based upon the results of the safety assessment. b. Human Trafficking/Labor Trafficking. Human trafficking/labor trafficking is the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion, for the purpose of subjecting that person to involuntary servitude, peonage (where someone is held against his/her will to pay off a debt), debt bondage, or slavery. Per s. 787.06(3), F.S., coercion is not required to be present in labor trafficking cases involving children that have not attained 18 years of age.

(1) There are several forms of exploitative practices linked to labor trafficking, including bonded labor, forced labor and child labor.

(a) Human Trafficking/Labor – Other. A report type of "Other" with the maltreatment code of Human Trafficking/Labor shall be used in those cases when the allegations appear to involve issues associated with labor trafficking, slavery, or servitude that do not appear to be sexual in nature, and the alleged perpetrator is unknown or is not considered to be a parent, legal guardian, or caregiver.

(b) Human Trafficking/Labor – In-Home. The report type of "In-Home" with the maltreatment code of Human Trafficking/Labor shall be used in those cases when the allegations appear to involve issues associated with labor trafficking, slavery, or servitude that do not appear to be sexual in nature, and the alleged perpetrator is considered to be a parent, legal guardian, or caregiver not associated with an institutional entity.

(c) Human Trafficking/Labor – Institutional. A report type of "Institutional" with the maltreatment code of Human Trafficking/Labor shall be used in those cases when the allegations appear to involve issues associated with labor trafficking, slavery, or servitude that do not appear to be sexual in nature, and the alleged perpetrator is considered to be other persons responsible for a child's welfare in their official capacity who appears to be associated with an institutional entity, such as a foster home, group home, school, etc.

(2) Once a Child Abuse Report with the report type of "Other," "In-Home" or "Institutional" with the maltreatment code of Human Trafficking/Labor has been created, the following applies:

(a) All pertinent information will be forwarded to law enforcement in a manner that conforms with all requirements associated with s. 39.201(2), F.S.

(b) Response priority shall be based upon the results of the safety assessment.

Responsibilities for Assessment, Placement, and Services for Commercial Sexual Exploitation or Human Trafficking Victims.



a. All subcontracted Care Managers and Supervisors who have victims of human trafficking on their caseload must complete the specialized Human Trafficking training as outlined in s. 409.1754, F.S., and Rule 65C-43.005, F.A.C.

b. BFP and subcontracted providers are required to deliver services that meet the unique needs of suspected and verified victims of commercial sexual exploitation who are residing within the foster care system, in addition to community children who are placed in safe houses or safe foster homes. BFP shall ensure that all sexually exploited children residing in safe houses or safe foster homes or served in residential treatment centers or hospitals pursuant to subsection (3) of s. 409.1678, F.S., have a Care Manager and a case plan whether or not the child is a dependent child as outlined in s. 409.1678(4)(b), F.S.

c. The MDT Staffing form (Appendix B) may be provided to the safe house or safe foster home to assist in the development of the “Services Plan for Sexually Exploited Children and Young Adults” required by 65C-43.003, F.A.C. c. In addition to the provisions of s. 409.1678, F.S., each safe house and safe foster home shall establish and maintain a security design that promotes ongoing supervision for the oversight of youth or young adults placed in the home. This safe house or safe foster home shall include, but not be limited to:

(1) Placement security with requirements that include:

(a) External electronic video monitoring of the facility.

(b) Alarms on all external doors. (c) Emergency response agreements with local law enforcement.

(2) Access to an array of services, consistent with applicable licensing statutes and regulations, and the individually assessed needs of each child, that include at minimum:

(a) Evidence-based, trauma-informed care.

(b) Treatment and intervention for sexual assault, including appropriate health care.

(c) Psychosocial skill development, including:

1. Resiliency skills;

2. Positive youth development services;

3. Life skills; and,

4. Mentoring.

(d) Education that will transfer back to the child's home school district for credit.

(e) Substance abuse screening, and where necessary, access to treatment.

(f) Recreational therapy and personal development.

(g) Discharge planning that is consistent with services received by the child, at the facility.

(3) Placement policy and procedures shall comply with Chapter 65C-43, F.A.C., and require that:

(a) Cell phones, unmonitored personnel (staff) computers, or other devices that could be used to conduct unsupervised communication with external parties are not allowed. Restricted and supervised access may be allowed based on the child's progress in the program. (The child's progress must be determined by program staff, the child's therapist, BFP and the Care Manager

(b) All client phones, tablets, known social media accounts and computer usage shall be monitored by program staff.

(c) All off-site activities shall be supervised by program staff or, based on the child's progress in the program, by other designated approved adults. (Progress and

approval must be determined by program staff, the child's therapist, BFP and the Care Manager.

(d) All visitation shall occur off-site at a location other than the "Safe House" placement. All persons that the child is allowed to visit must be pre-approved by the case manager.

d. Once a child has been adjudicated dependent or has been identified as a verified victim of commercial sexual exploitation in a child abuse investigation (community child), BFP or its subcontracted agency.

(1) Assess the child for placement in a "Safe House" environment in a manner that meets all requirements established by s. 39.524(1), 409.1754, and 409.1678, F.S. The Level of Human Trafficking Placement Tool (Appendix A) has been identified as a Safe House Assessment tool. In addition, all children that are victims of sex trafficking and placed in substitute care must have a Child Placement Agreement as outlined in CFOP 170-11.

(2) All "Safe House" assessments must be updated, at a minimum, every 180 days on an ongoing basis for as long as the child is a verified victim in an active non-judicial or judicial case.

(3) Per s. 39.524(2), F.S., the results of any "Safe House" assessment, Human Trafficking Screening Tool, multidisciplinary team staffing, and actions taken as a result of the assessment must be included in the disposition hearing or next judicial review for the child as completed and updated by the case manager and at each subsequent judicial review for as long as the child is an active participant in an open case where the child is coded within FSFN as being a suspected or verified victim of commercial sexual exploitation. At each subsequent judicial review, the court must also be advised in writing of the status of the child's placement, with special reference regarding the stability of the placement, any specialized services and the permanency planning for the child.

(4) Children who fail to participate in the administration of a "Safe House" assessment either through their direct refusal or through their unavailability due to runaway behavior or other similar issues shall have their "Safe House" assessment rescheduled on an ongoing basis. The reason the required "Safe House" assessment has not been completed shall be noted within FSFN.

(5) Explore all possible placement options and safeguards for youth who have a history of recruiting other youth into the commercial sex trade in order to reduce opportunities for possible victimization of other children residing in the same setting.

(6) The reason for not placing a child into a "Safe House" environment must be documented within FSFN in all cases when a child has been adjudicated dependent and the minimum placement requirements for possible consideration for placement into a "Safe House" environment have been met.

(7) Children who have been identified as being from out-of-state who have absconded, escaped or run away shall be referred to the Florida Department of Juvenile Justice for the purposes of ensuring that all requirements associated with returning these juveniles to the other state, whenever their return is sought, as required by s. 985.801, F.S. (Interstate Compact on Juveniles), is completed prior to completing a "Safe House" assessment or prior to the placement of a child into a "Safe House" environment.

e. When it is believed or determined that a child is a victim of commercial sexual exploitation and/or labor trafficking and the child is not considered to be a citizen of the United States and is in the country illegally or the child is in the country legally but the child's parent, guardian, or caregiver can no longer care for the child, the Department of Health and Human Services, Office





of Refugee Resettlement (HHS/ORR), shall be contacted for the purposes of determining if the child will be placed into the Unaccompanied Refugee Minors (URM) program due to the child being a victim of a severe form of trafficking.

f. BFP shall develop internal policies and procedures that ensure that the legal rights of children who are suspected or verified victims of commercial sexual exploitation are protected while still allowing for them to be questioned as part of any ongoing criminal investigation against a possible trafficker. In addition, BFP or its subcontracted agency must request that an attorney at litem be appointed for every verified dependent child victim of human trafficking as outlined in s. 39.01305, F.S.

g. BFP shall review the cases of all children who are currently placed in substitute care and who have not already been identified as being currently involved in the commercial sex trade, for possible involvement in the commercial sex trade by utilizing the indicator list outlined in the Human Trafficking Screening Tool Administration Guide. If the child is suspected or verified to be a victim of human trafficking, a report should be made to the Abuse Hotline.

h. The BFP Human Trafficking (HT) Point of Contact (POC) or designee shall attend all human trafficking MDTs. As required by s. 39.524, F.S. The BFP HT POC or designee shall track the following information for suspected or verified victims: number of assessments completed and the outcome of the assessments; the specialized services provided through the BFP and its subcontracted agencies; and placement of verified victims of commercial sexual exploitation, specifically if a safe foster home or safe (group) home was selected for placement, and if not, why not. The "Screening, Placement and Services for Sexually Exploited Children and Young Adults Reporting Checklist" should be used for collecting this information. This information must be sent to the Regional Criminal Justice Coordinator monthly.

i. All suspected or verified dependent CSEC victims residing in the foster care system must have a service plan as outlined in s. 409.1754, F.S., regardless of placement. The service plan must identify the needs of the child and his or her family, the local services available to meet those needs, and whether placement in a safe house or safe foster home is needed. The case plan required by s. 39.6011, F.S., may meet the requirement for a service plan, but must be amended to incorporate the results of the multidisciplinary staffing that is required for all suspected or verified CSEC victims. Case management must provide a six-month update of the service plan when requested by their assigned Regional Human Trafficking Coordinator.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:

PHILIP J. SCARPELLI  
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Brevard Family Partnership Family of Agencies

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